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SIPDIS

DEPT FOR EAP/ANP, OES/OMC
BANGKOK FOR ESTH

E.O. 12958: DECL: 09/29/2014

TAGS: [SENV](#) [EFIS](#) [TBIO](#) [ETRD](#) [NZ](#)

SUBJECT: NEW ZEALAND: LUKEWARM RESPONSE TO CITES
"INTRODUCTION FROM THE SEA" PROPOSAL FOR COP13

REF: STATE 195377

Classified By: POLITICAL AND ECONOMIC COUNSELOR KATHERINE B. HADDA,
FOR REASONS 1.5 (B,D)

11. (C) Summary: The GoNZ is unlikely to support the U.S. draft resolution that aims to clarify the term "Introduction from the Sea." New Zealand Ministry of Foreign Affairs and Trade (MFAT) interlocutors expressed skepticism that the draft submission as written will address illegal, unregulated and unreported (IUU) fishing. They are also not sure that CITES is an appropriate forum for a discussion of flag state responsibilities. Despite these reservations, the GoNZ would likely support the U.S. proposal if it appeared that a majority of other member states agreed. End summary.

12. (U) Post delivered refTel demarche to the Environment Division of the New Zealand Ministry of Foreign Affairs and Trade (MFAT.) MFAT discussed the U.S. proposal at a September 27 roundtable that included representatives from the Ministry of Environment and Ministry of Fish. On September 28, Poloff discussed the roundtable's views with Emma Kerslake, an Australian Department of Foreign Affairs and Trade official seconded to MFAT's Environment Division, (NB: Kerslake did not attend the roundtable, but was given a read-out to convey to us.)

13. (C) Kerslake noted that the roundtable participants were unclear on the motivation behind the U.S. proposed draft resolution, and asked what specifically the U.S. hopes to achieve by its passage. Kerslake noted that if the desired result was truly a desire to achieve better scientific data collection, there were more effective mechanisms. Poloff responded that the resolution would assist in addressing IUU. While agreeing that IUU is a serious concern for NZ, Kerslake was skeptical that this proposal would enhance the accuracy of CITES trade data and specimen tracking, believing that a broader catch documentation scheme would be more effective. Kerslake then noted that the proposed resolution would have no impact on the NZ fishing industry, as they do not have any need for IFS certificates) neither harvesting endangered species nor allowing foreign flagged vessels to use NZ as a port of first landing for Article II species.

Specific Questions

14. (C) Kerslake highlighted the following specific areas of concern and questions which she said were raised by GoNZ officials at the roundtable:

-- Kerslake said the officials expressed concern over the proposal to allow agreements between the Management Authority of a State of first landing and a flag State, questioning why a flag state would be in a better position to regulate than a landing authority. She acknowledged, however, that it might be valuable for a landing authority to be able to request information from a landing vessel's government.

-- Para. 13: Is CITES the best forum for a discussion of the responsibilities of flag states?

-- Para. 19: Would the landing authority be empowered under the proposal to get this information from the flag state? If so, GONZ agrees this would be an advantage in combating IUU.

-- Para. 21: While applauding the intent, Kerslake noted GONZ reservations at the ability of this resolution to impose on non-party states a determination by a regional or international management organization that a particular landing is detrimental.

We can be convinced

15. (C) Kerslake noted that the GoNZ would likely support the U.S. proposal if it appeared that a majority of member states agreed. However, should the resolution appear unlikely to be passed, she suggested the U.S. consider proposing as a separate resolution a definition of "in the marine environment not under the jurisdiction of any State." Kerslake said the GoNZ would support this.

Comment

16. (C) As noted, Kerslake is an employee of the Australian DFAT, and has previously worked on fisheries issues for Australia, although she is not familiar with CITES in particular. She was very forthright during the meeting, and admitted that her interpretation might be more direct than that intended by New Zealand interlocutors. It is likely that the GoNZ delegation in Bangkok will appear to be more conciliatory, and may not couch their concerns in the same language. However, it appears that the GoNZ's skepticism about the need for and the language in the U.S. resolution is genuine.

Burnett